89-799

No.

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CLERK

IN THE

Supreme Court of the United States

October Term, 1989

IN THE MATTER

OF

GEORGE T. MAHSHIE, an Attorney,

Petitioner,

against

GRIEVANCE COMMITTEE OF THE FIFTH JUDICIAL DISTRICT, STATE OF NEW YORK,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE APPELLATE DIVISION FOURTH JUDICIAL DEPARTMENT OF THE STATE OF NEW YORK

PETITION FOR WRIT OF CERTIORARI

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(3511)

30 pp

Question Presented

Whether the petitioner was denied due process of law when after the petitioner waived an evidentiary hearing, the Court relied on facts not contained in petitioner's plea of guilty to disbar him, then denied petitioner the opportunity to contest those facts?

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No. ____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1989.

IN THE MATTER

OF

GEORGE T. MAHSHIE, an Attorney,

Petitioner,

vs.

GRIEVANCE COMMITTEE OF THE FIFTH JUDICIAL DISTRICT, STATE OF NEW YORK,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE APPELLATE DIVISION, FOURTH JUDICIAL DEPARTMENT OF THE STATE OF NEW YORK

PETITION FOR A WRIT OF CERTIORARI

George T. Mahshie, requests that a Writ of Certiorari be issued to review the Order and Opinion of the New York Appellate Division, Fourth Judicial Department, entered February 3, 1989, which disbarred him as an attorney, and the Order of that same Court entered June 2, 1989, which denied his motion to vacate the Order of Disbarment, and schedule a Hearing, on which the New York State Court of Appeals *sua sponte* dismissed his Notice of Appeal to that Court by Order entered September 21, 1989.

Opinion Below

The opinion of the Appellate Division, Fourth Judicial Department is not as yet officially reported (____ A.D.2d ____ (1989)). It is reproduced in the Appendix to this Petition beginning at App. p. A-1. The Order of Disbarment is reproduced in the Appendix to this Petition beginning at App. p. B-1.

A timely application to vacate the Order of Disbarment and schedule a Hearing was denied by the Appellate Division, Fourth Judicial Department on June 2, 1989. That Order is not as yet officially reported (____ A.D.2d ____ (1989)), and is reproduced in the Appendix to this Petition beginning at App. p. C-1.

A timely Notice of Appeal to the New York Court of Appeals was dismissed *sua sponte* on September 21, 1989. It is officially reported at 74 N.Y.2d 842 (1989), and the Order is reproduced in the Appendix to this Petition beginning at App. p. D-1.

Jurisdiction

The judgment of the New York Appellate Division, Fourth Judicial Department disbarring petitioner was

entered on February 3, 1989. A timely application to vacate the Order of Disbarment and schedule a Hearing was denied on June 2, 1989. A timely Notice of Appeal to the New York Court of Appeals was dismissed *sua sponte* on September 21, 1989. The jurisdiction of this Court is invoked under 28 U.S.C. §1257(3).

Constitutional and Statutory Provisions Involved

1. The Fourteenth Amendment to the United States Constitution provides in relevant part ". . . nor shall any state deprive any person of life, liberty or property without due process of law. . ."

2. New York State Judiciary Law §90 provides in relevant part: 4(d) that a serious crime is any Federal Felony which is not a New York State Felony; 4(f) that any attorney convicted of a serious crime shall be suspended until a final Order is made by the Appellate Division; 4(g) that once the conviction becomes final the attorney shall show cause why a final disciplinary Order should not be made; and 4 (h) that if the attorney requests a hearing one shall be held.

Statement of the Case

The petitioner, George T. Mahshie, entered into a plea bargain agreement,[1] and entered a plea of guilty to Conspiracy to Commit Offense or to Defraud United States in violation of Title 18 U.S.C. §371[2] in United States District Court for the Northern District of New York, and was sentenced on September 16, 1988.

---

[1]The Plea Agreement is reproduced in the Appendix to this Petition beginning at App. p. E-1.

[2]The Indictment charge is reproduced in the Appendix to this Petition beginning at App. p. F-1.

In accordance with Judiciary Law §90 (4) (d), since the aforementioned plea was not a State Felony, a determination would be made by the Appellate Division, Fourth Judicial Department if the Federal conviction constitutes grounds for removal.

There was also pending before respondent a Complaint involving the claim that petitioner had prepared and filed a fraudulent Mechanics Lien.

Subsequently, these matters were submitted to the Appellate Division, Fourth Judicial Department. Petitioner admitted the Federal conviction, set forth extenuating circumstances, and set forth facts regarding the alleged fraudulent Mechanics Lien. An evidentiary hearing was not requested by petitioner.

The Appellate Division, Fourth Judicial Department found that by his plea of guilty, petitioner admitted that, *inter alia*, "... he did 'counsel and coach' his coconspirators to provide false information ...", and that he unethically filed a fraudulent Notice of Mechanic's Lien which falsely claimed that work, labor and services had been performed by a previously dissolved corporation (Appendix A). Petitioner was disbarred (Appendix B).

However, the allegation, "counsel and coach" was not contained in petitioner's plea agreement, but obviously specifically omitted therefrom.[3] Therefore, petitioner timely moved to vacate the Order of Disbarment, and for a hearing to show the full factual basis of his plea of guilty to the Federal Felony. Petitioner's application was thereafter denied (Appendix C). The New York Court of Appeals *sua sponte* dismissed petitioner's Notice of Appeal to that Court (Appendix D).

[3]Compare Plea Agreement (Appendix E) and Indictment charge (Appendix F).

Reasons for Granting the Writ

It cannot be disputed that "the requirements of procedural due process must be met before a state can exclude a person from practicing law *(Willner v. Committee on Character,* 373 U.S. 96, 102 (1963); see also, *Schware v. Board of Bar Examiners,* 353 U.S. 232, 238-239 (1957)).

Furthermore, the requirement of due process embodies fair notice as to the precise nature of the charge against petitioner (see *In re Ruffalo* 390 U.S. 544, 552 (1968)).

Since the Federal Felony that petitioner pled guilty to was not a Felony in New York State, it was necessary for the Appellate Division to consider the punishment to be imposed upon him for the serious offense (Judiciary Law §90(4)(g)).

Petitioner admitted, in the Appellate Division, his conviction of the Federal Felony. His plea agreement (Appendix E) was before the Appellate Division. Petitioner did not request the Hearing that he was entitled to in accordance with Judiciary Law §90(4)(h).[4]

In disbarring petitioner, the Appellate Division, however, found that petitioner had by his plea of guilty admitted, *inter alia:*

> ". . . that he did 'counsel and coach' his coconspirators to provide false information to the Immigration and Naturalization Service . . ." (Appendix A).

---

[4]Nor was there any reason for petitioner to believe that it was necessary to raise the issue as to what he specifically pled guilty to by way of mitigation.

It should be noted that the aforementioned phrase had been contained in the count of the Indictment (Appendix F), to which petitioner had entered a plea of guilty. However, that phrase had been specifically omitted from the facts that petitioner admitted in his plea agreement (Appendix E).

As such, petitioner was not properly appraised of the precise nature of the charge against him when he waived a Hearing in regard to the allegation that he committed a serious offense by pleading guilty to the Federal Felony (see *In re Ruffalo, supra).* Had petitioner known that the Appellate Division would consider facts not admitted by him but rather simply charges against him, he would have requested a Hearing to demonstrate to the Appellate Division the true factual basis of the Federal Felony. Moreover, petitioner's timely effort to correct this factual misconception was denied (see Appendix C).

Petitioner's disbarment is, therefore, based on a factual finding that he admitted to facts ("counsel and coach") that he did not in fact admit to.[5] An analysis should have been undertaken as to whether the admitted facts, regarding the Federal Felony, together with the other findings constitute a sufficient basis for the Appellate Division to determine if petitioner committed serious professional misconduct to warrant his disbarment (see *Disciplinary Proceedings of Phelps,* 637 F.2d 171 (10th Cir. 1981)—the charge that defendant had been deprived of due process concerning notice was properly not considered by the Court in its analysis to disbar).

---

[5]Compare Opinion (Appendix A) and Plea Agreement (Appendix E).

CONCLUSION

For the reasons above stated, this Petition for a Writ of Certiorari should be granted.

Respectfully submitted,

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Attorney for Petitioner

APPENDIX A.

Opinion of Appellate Division, Fourth Department.

IN THE MATTER

OF

GEORGE T. MAHSHIE, an Attorney,

Respondent,

GRIEVANCE COMMITTEE OF THE FIFTH JUDICIAL DISTRICT,

Petitioner.

Per Curiam Opinion

Revised February 22, 1989

In the Matter of George T. Mahshie, an attorney, Respondent. Grievance Committee of the Fifth Judicial District, Petitioner. Order of disbarment entered. *Per Curiam* Opinion: Respondent was admitted to practice by this court on March 14, 1956. On September 16, 1988 a judgment was entered in the United States District Court for the Northern District of New York, convicting respondent upon his plea of guilty to one count of a six-count indictment. By his plea of guilty, respondent admitted that, for the purpose of obtaining permanent resident alien status for Haikel Abughoush, he conspired with Abughoush and Magdalena Rodriguez to conceal from the United States Immigration and Naturalization Service that the marriage between

Abughoush and Rodriguez was a sham, and that he did "counsel and coach" his coconspirators to provide false information to the Immigration and Naturalization Service, all in violation of 18 USC § 371. Upon receipt on October 14, 1988 of a certified copy of the judgment of conviction, we determined that respondent was convicted of a serious crime and we suspended him from the practice of law (*see*, Judiciary Law § 90 [4] [f]).

Thereafter, the Grievance Committee of the Fifth Judicial District filed a petition dated November 1, 1988, which charged respondent with violations of the Code of Professional Responsibility. The petition originally contained two counts but the first count was subsequently withdrawn by the Committee.

The second count of the petition charges respondent with unethical conduct in drafting and filing a fraudulent notice of mechanic's lien, dated January 5, 1984, which falsely claimed that work, labor and services had been performed in 1983 and 1984 by M.P.R. Construction Corporation, Inc., which corporation had previously been dissolved by proclamation of the New York Department of State on March 31, 1982. It further charges that a law clerk who was employed in respondent's law office was directed by respondent to forge the signature of a former corporate officer on the notice of lien, and that respondent thereafter attested to the validity of the forged signature by affixing his own signature as a notary public.

Respondent admits the material allegations of the second count of the petition. He appeared before the court on December 6, 1988 and asserted that there are no significant issues of fact requiring a hearing. He urged the court to impose appropriate discipline based upon the record of the federal criminal proceeding, the admitted allegations of the petition, and the material submitted in mitigation. On consideration thereof, we find that respondent violated Canons 1 and 7 of the Code of Professional Responsibility. He

engaged in illegal conduct involving moral turpitude (DR 1-102 [A] [3]); he engaged in conduct involving dishonesty, fraud, deceit and misrepresentation (DR 1-102 [A] [4]); he engaged in conduct that is prejudicial to the administration of justice (DR 1-102A [5]); and in representing a client he knowingly and unlawfully used false evidence (DR 7-102 [A] [4]; DR 7-102 [A] [8]).

We conclude that respondent is guilty of serious professional misconduct and, accordingly, he should be disbarred.

Dillon, P.J., Callahan, Doerr, Denman, Boomer, JJ., concur.

APPENDIX B.

Order of Disbarment.

NEW YORK SUPREME COURT

APELLATE DIVISION, FOURTH DEPARTMENT

Present:

Dillon, P.J., Callahan, Doerr, Denman, Boomer

IN THE MATTER

OF

GEORGE T. MAHSHIE, an Attorney,

Respondent,

GRIEVANCE COMMITTEE OF THE FIFTH JUDICIAL DISTRICT,

Petitioner.

This court by order entered October 18, 1988 having suspended the above named George T. Mahshie from the practice of his profession as an attorney and counselor at law until the further order of this court pursuant to Judiciary Law § 90 (4)(f) and by order entered October 18, 1988 having directed George T. Mahshie to show cause why a final order should not be made pursuant to Judiciary Law

§ 90(4)(g) and the Grievance Committee of the Fifth Judicial District having filed a petition charging the respondent with professional misconduct,

Now, upon reading and filing the petition of the Grievance Committee of the Fifth Judicial District verified by David E. Brennan on November 1, 1988, the exhibits annexed thereto, the answer of respondent verified by George T. Mahshie on November 23, 1988, the exhibits annexed thereto and after hearing William F. Lynn, of counsel for the Respondent, Paul J. Ginnelly, of counsel for the Petitioner and George T. Mahshie, the respondent and due deliberation having been had thereon,

This Court hereby finds that the respondent is guilty of professional misconduct; and

It is hereby ORDERED, That the said George T. Mahshie, who was admitted to practice as an attorney and counselor at law by this court as George Towfick Mahshie on March 14, 1956 be, and he hereby is removed from his office as an attorney and counselor at law, and his name is hereby ordered stricken from the roll of attorneys and counselors at law in the State of New York, and the said George T. Mahshie is hereby commanded hereafter to desist and refrain from the practice of law in any form, either as principal or agent, clerk or employee of another, and is hereby forbidden to appear as an attorney and counselor at law before any court, judge, justice, board, commission or other public authority, or to give to another an opinion as to the law or its application, or any advice in relation thereto.

Per Curiam Opinion which is hereby made a part hereof.

Entered: February 3, 1989

CARMEN S. LEONE, Clerk

APPENDIX C.

Order, Entered June 2, 1989.

NEW YORK SUPREME COURT

APPELLATE DIVISION, FOURTH DEPARTMENT

Present:

Dillon, P. J., Callahan, Doerr, Denman, Green, JJ.

IN THE MATTER

OF

GEORGE T. MAHSHIE,

Respondent,

GRIEVANCE COMMITTEE OF THE FIFTH JUDICIAL DISTRICT,

Petitioner.

A motion having been made on behalf of the respondent for an order vacating the order of this Court entered February 22, 1989, and for other relief,

Now, upon reading and filing the affidavit of George T. Mahshie, sworn to March 23, 1989, the exhibits annexed thereto, the notice of said motion with, proof of service thereof, the opposing affidavit of Paul J. Ginnelly, sworn to

May 11, 1989, the exhibits annexed thereto, and after hearing William F. Lynn, of counsel for the respondent, George T. Mahshie, the respondent, and Paul J. Ginnelly, of counsel for the petitioner, and due deliberation having been had thereon,

It is hereby ORDERED, That said motion be and the same hereby is denied.

Entered: June 2, 1989

CARMEN S. LEONE, Clerk

APPENDIX D.

Order of Court of Appeals, State of New York, Dated September 21, 1989.

COURT OF APPEALS,

STATE OF NEW YORK

At a session of the Court, held at Court of Appeals Hall in, the City of Albany on the twenty-first day of September A. D. 1989

Present,

Hon. Sol Wachtler, Chief Judge, presiding.

IN THE MATTER

OF

GEORGE T. MAHSHIE,

Appellant,

v.

GRIEVANCE COMMITTEE OF THE FIFTH JUDICIAL DISTRICT,

Respondent.

The appellant having filed notice of appeal in the above title and due consideration having been thereupon had, it is

ORDERED, that the appeal be and the same hereby is dismissed without costs, by the Court *sua sponte*, upon the ground that the order appealed from does not finally determine the proceeding within the meaning of the Constitution.

DONALD M. SHERAW
Clerk of the Court

APPENDIX E.

Plea Agreement.

IN THE

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

GEORGE T. MAHSHIE,

Defendant.

Criminal Action No.
88-CR-51
(HON. CON G. CHOLAKIS)

PLEA AGREEMENT IN A CRIMINAL PROCEEDING

The United States of America, by and through its attorney, Frederick J. Scullin, Jr., United States Attorney for the Northern District of New York (by Andrew T. Baxter, Assistant U.S. Attorney), and George T. Mahshie, the defendant herein (by Paul R. Shanahan, Esq., his attorney), hereby enter into the following agreement regarding the disposition of certain criminal charges now pending against George T. Mahshie, as hereinafter specified:

1. George T. Mahshie, by his signature hereto, expressly acknowledges his right to remain silent and expressly waives that right. George T. Mahshie further acknowledges his right to assistance of counsel, which he has obtained; said counsel by his signature hereto having witnessed and approved this Agreement.

2. In return for the consideration set forth in this Plea Agreement, George T. Mahshie agrees to enter a plea of guilty to Count IV of Indictment 88-CR-51, alleging a single violation of Title 18, United States Code, Section 371.

3. It is understood by George T. Mahshie that his guilty plea to Count IV of Indictment 88-CR-51 could subject him to a possible maximum penalty of five (5) years imprisonment, a $10,000 fine, or both. Pursuant to Title 18, United States Code, Section 3623, the Court could impose an alternate fine of either $250,000 or twice the pecuniary gain to the defendant or loss to any victims resulting from the offense. The sentencing Court could also require in accordance with Title 18, United States Code, Section 3579, that the defendant pay restitution to any victim of this offense. Finally, at the time of sentencing, defendant will be additionally required to pay an assessment of $50, pursuant to Title 18, United States Code, Section 3013. George T. Mahshie understands that, if his guilty plea is accepted by the Court, he can receive any sentence up to the maximum set forth herein. It is further understood by George T. Mahshie that the sentence to be imposed upon him is within the sole discretion of the Court and that this office makes no representation, express or implied, as to what sentence the Court will ultimately impose.

4. George T. Mahshie, admits and acknowledges the following:

a. That in 1984 and in 1985, he knew that an alien illegally in the United States or legally in the United States on a non-immigrant visa could be classified as a lawful permanent resident if he married a United States citizen and, among other procedures, the citizen spouse filed a Petition for an Immigrant Visa (Form I-130) on behalf of the alien with the Immigration and Naturalization Service of the United States ("INS");

b. That he also knew, in 1984 and 1985, that INS would not approve a Form I-130 petition and classify the alien as a lawful permanent resident if it were known that the alien's marriage had been entered into solely for the purpose of obtaining permanent resident status with the understanding that the alien and his or her spouse would not live together as husband and wife or otherwise maintain a marital relationship;

c. Between in or about April, 1984 and November, 1984, in the Northern District of New York and elsewhere, George T. Mahshie willfully and knowingly did conspire with Haikel Abughoush ("Abughoush") and Magdelina Rodriquez ("Rodriquez") to conceal and cover up material facts in connection with a Form I-130 filed on behalf of Abughoush—an alien—which stated that he was married to Rodriquez—a United States citizen—whereas, as George T. Mahshie then and there well knew, this marriage had been entered into solely for the purpose of obtaining status for Abughoush as permanent resident alien with the understanding that Abughoush and Rodriquez would not live together as husband and wife or otherwise maintain a marital relationship;

d. On or about April 4, 1984, Magdelina Rodriquez executed a Form I-130 on behalf of Haikel Abughoush which was filed with INS on or about June 19, 1984, with the knowledge George T. Mahshie.

5. George T. Mahshie acknowledges that, if he elected to go to trial, the United States could prove, beyond a reasonable doubt, all of the facts, set forth in this Plea Agreement and that those facts would support his a conviction on Count IV of Indictment 88-CR-51.

6. In exchange for the plea of guilty to Indictment 88-CR-51 by George T. Mahshie and for other considerations set forth in this Plea Agreement, the United States Attorney's Office for the Northern District of New York hereby agrees as follows:

a. That it will accept the plea of guilty by George T. Mahshie to Count IV in full satisfaction of all charges in Indictment 88-CR-51 and that it will dismiss the remaining counts in said Indictment at the time of sentencing;

b. That, for so long as the plea and sentence on Count IV of Indictment 88-CR-51 remain in effect, the United States Attorney for the Northern District of New York will not prosecute George T. Mahshie for criminal violations of the Internal Revenue Code in connection with returns that he filed for calendars years 1979 through 1984;

c. That it reserves the right to advise the Court and the Probation Office of any information of a factual nature relating to this case, to correct any factual misstatements relating to sentencing pro-

ceedings, and to oppose any application by defendant for reduction of sentence pursuant to Rule 35, Fed. R. Crim. P.;

d. That it reserves the right to take a position with respect to the appropriate sentence to be imposed by the Court.

7. This Agreement is made contingent upon the Court's accepting it at the time of the plea of guilty pursuant to Rule 11(e), Fed. R. Crim. P.

8. George T. Mahshie acknowledges that this Agreement is limited to the United States Attorney's Office for the Northern District of New York and cannot bind any other Federal, state, or local prosecuting authorities.

9. George T. Mahshie acknowledges that this Agreement was reached without regard to any civil or administrative matters that may be pending or may arise regarding George T. Mahshie including, but not limited to, proceedings by the Internal Revenue Service relating to potential civil tax liability.

10. It is expressly understood that this document contains the entire Plea Agreement and that no additional promises, agreements, or conditions have been entered into, other than those set forth in this Agreement and none will be entered into unless in writing and signed by all parties.

FREDERICK J. SCULLIN, JR.
United States Attorney
Northern District of New York
100 S. Clinton Street
Syracuse, New York 13260

Dated: June , 1988

By: ANDREW T. BAXTER
Assistant U.S. Attorney

Dated: June 15, 1988

S/GEORGE T. MAHSHIE
Defendant

APPROVED:

Dated: June 15, 1988

PAUL R. SHANAHAN, Esq.
Attorney for Defendant

APPENDIX F.

Indictment.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

GEORGE T. MAHSHIE,

Defendant.

Criminal Action No.
88-CR-51

VIO: 18 U.S.C. § 371
(1 Count)
18 U.S.C. §§ 1001 & 2
(2 Counts)
18 U.S.C. § 1503
(1 Count)
18 U.S.C. § 1505
(1 Count)
18 U.S.C. § 1512(b)(3)
(1 Count)

THE GRAND JURY CHARGES:

* * *

THE GRAND JURY FURTHER CHARGES:

COUNT IV

1. That at all times states herein, an alien illegally in the United States or legally in the United States on a non-immigrant visa could be classified as a lawful permanent resident if he married a United States citizen and, among other procedures, the citizen spouse filed a petition for a immigrant visa (Form I-130) on behalf of the alien with the Immigration and Naturalization Service of the United States.

2. That at all times stated herein, the Immigration and Naturalization Service would not approve the Form I-130 petition and classify the alien as a lawful permanent resident if it were known that the alien's marriage had been arranged solely for the purpose of obtaining permanent resident status with the understanding that the alien and his or her spouse would not live together as husband and wife or otherwise maintain a marital relationship.

3. Between in or about May, 1983, and April 18, 1985, in the Northern District of New York, and elsewhere,

GEORGE T. MAHSHIE,

willfully and knowingly did conspire, combine, confederate and agree with Haikel Abughoush (hereinafter "Abughoush"), Magdalena Rodriguez, also known as Magdalena Abughoush (hereinafter "Rodriguez"), and others to the Grand Jury unknown, to commit an offense against the United States, that is, to knowingly and willfully, in a matter within the Jurisdiction of the Immigration and Naturalization Service, an agency of the United States, conceal and cover up material facts in a Form I-130 filed on behalf of Abughoush—an alien—which stated that he was married to Rodriguez—a United States citizen—and resided

with her at 2716 East Colvin Street, Syracuse, New York, whereas, as George T. Mahshie then and there well knew, this marriage had been arranged solely for the purpose of obtaining status for Abughoush as a permanent resident alien with the understanding that Abughoush and Rodriguez would not live together as husband and wife or otherwise maintain a marital relationship, contrary to the provisions of Title 18, United States Code, Section 1001.

4. It was further part of this conspiracy that George T. Mahshie would counsel and coach Abughoush and Rodriguez to provide false information to the Immigration and Naturalization Service in an effort to conceal that their marriage was a sham entered into solely for the purpose of obtaining permanent resident alien status for Abughoush.

OVERT ACTS

In furtherance of the conspiracy and to effect the objects thereof, George T. Mahshie and co-conspirators committed and caused to be committed the following Overt Acts:

1. In or about April 4, 1984, Magdalena Rodriguez executed a petition for an immigrant visa (Form I-130) on behalf of Haikel Abughoush.

2. On or about June 19, 1984, George T. Mahshie caused the above-described Form I-130 to be filed with the Immigration and Naturalization Service in Buffalo, New York.

All in violation of Title 18, United States Code, Section 371.

* * *

A TRUE BILL

MARY JANE FENNESSEY
FOREPERSON

FREDERICK J. SCULLIN, JR.
United States Attorney

By: Andrew T. Baxter
Assistant U.S. Attorney

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

MARCH 10, 1988

AT_____O'CLOCK ____M.
J.R. SCULLY, Clerk
SYRACUSE